

REGULATIONS

The 3rd January, 1972

No. 8242-3FR-71/334.—In exercise of the powers conferred by the proviso to article 309 of the Constitution of India and all other powers enabling him in this behalf, the Governor of Haryana is pleased to make the following rules further to amend the Punjab Civil Services, Rules, Vol. III as are applicable to the Haryana Government employees, namely:—

- (1) These rules may be called the Punjab Civil Services (Haryana 2nd Amendment), Vol. III, Rules, 1972.
- (2) The following shall be substituted as Appendix R as referred to in note 1(b) below rule 2.27.

Grade	Delhi, Madras	Bombay Calcutta
I (a) Pay upto Rs. 1,000	Rs. 19.50	Rs. 24.50
(b) Pay exceeding Rs. 1,000	Rs. 19.50 for the first Rs. 1,000 plus 90 paise for every additional Rs. 250 or fraction thereof subject to a maximum of Rs. 23.50.	Rs. 24.50 for the first Rs. 1,000 plus 90 paise for every additional 250 or fraction thereof, subject to a max. of Rs. 28.00.
II and III	Re. 1.00 for every Rs. 20 of pay or fraction thereof, subject to a maximum of Rs. 16.00 and a minimum of Rs. 6.00	Rs. 1.50 for every Rs. 20 of pay or fraction thereof subject to a maximum of Rs. 20 and minimum of Rs. 7.50.
IV	Rs. 6.00	Rs. 7.50

- (3) This will take effect from 1st March, 1971.

J. S. SAROHIA,
Secretary to Government, Haryana,
Finance Department.

HEALTH DEPARTMENT

The 15th March, 1972

No. 1139-ASO-I-HBII-72/9015.—In exercise of the powers conferred by sub-section (1) of section 9 of the Prevention of Food Adulteration Act, 1954 (Parliament Act 37 of 1954), read with rule 8 of the Prevention of Food Adulteration Rules, 1955, the Governor of Haryana hereby appoints the persons mentioned in column 2 of the Schedule given below to be food inspectors for the local areas indicated against each in column 3 of the said Schedule:—

SCHEDULE

Serial No.	Name and designation	Local areas
1	2	3
1	Shri Amrit Lal Kapoor, Sanitary Inspector	Local area of the Tehsil in which the persons mentioned in Column 2 of the Schedule are posted
2	Shri Kuldip Singh, Sanitary Inspector	
3	Shri Gian Parkash, Sanitary Inspector	
4	Shri Des Raj Bhatia, Sanitary Inspector	
5	Shri Ram Chander Sharma, Tehsil Sanitary Inspector	

1	2	3
6	Shri Harnarian Batra, Tehsil Sanitary Inspector	
7	Shri Sohan Lal Chopra, Tehsil Sanitary Inspector	
8	Shri Mohant Lal, Tehsil Sanitary Inspector	
9	Shri Amar Nath Sharma, Tehsil Sanitary Inspector	
10	Shri Mohinder Nath Sharma, Tehsil Sanitary Inspector	
11	Shri Aslub Khan, Tehsil Sanitary Inspector	
12	Shri Sat Pal Malik, Tehsil Sanitary Inspector	
13	Shri Shanker Dass Gupta, Tehsil Sanitary Inspector	
14	Shri Megh Nath, Tehsil Sanitary Inspector	
15	Shri Satbir Singh, Tehsil Sanitary Inspector	
16	Shri Santosh Kumar Singh, Tehsil Sanitary Inspector	
17	Shri Romesh Chand, Tehsil Sanitary Inspector	
18	Shri Moti Ram, Tehsil Sanitary Inspector	
19	Shri Balwant Singh, Tehsil Sanitary Inspector	
20	Shri Pishori Lal Madhok, Tehsil Sanitary Inspector	
21	Shri Varinder Singh, Tehsil Sanitary Inspector	
22	Shri Manohar Lal, Tehsil Sanitary Inspector	
23	Shri Sant Lal, Tehsil Sanitary Inspector	
24	Shri Romesh Chand Chopra, Tehsil Sanitary Inspector	
25	Shri Sham Lal, Tehsil Sanitary Inspector	
26	Shri Rameshwar Dass Goyal, Tehsil Sanitary Inspector	
27	Shri Sham Lal Chabra, Tehsil Sanitary Inspector	
28	Shri Harbhajan Singh, Tehsil Sanitary Inspector	
29	Shri Ram Raji Jindal, Tehsil Sanitary Inspector	

B.L. AHUJA,
Secretary to Government, Haryana.

LABOUR DEPARTMENT

The 17th March, 1972

No. 2882-4Lab-72/10122.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to Publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak in respect of the dispute between the workmen and the management of M/s Karnal Co-operative Transport Society Ltd., Karnal.

BEFORE SHRI P.N. THUKRAL, PRESIDING OFFICER, LABOUR COURT, HARYANA,
ROHTAK

Reference No. 35 of 1971

between

THE WORKMAN SHRI BANWARI LAL, CONDUCTOR, H. No. E. 432, ARJAN GATE, KARNAL,
AND THE MANAGEMENT OF M/S KARNAL COOPERATIVE TRANSPORT SOCIETY LTD.,
KARNAL

Present: : Shri Madhu Sudan Sharan Cowshish alongwith Shri Banwari Lal workman.
Nemo for the management.

AWARD

The following industrial dispute between the workman Shri Banwari Lal and the management of M/s Karnal Cooperative Transport Society Ltd., Karnal, was referred to this Court for adjudication,—*vide* Government Gazette Notification No. ID/8196, dated 19th February, 1971 :—

Whether the termination of services of Shri Banwari Lal, Conductor, was justified and in order? If not, to what relief is he entitled?

On receipt of the reference usual notices were issued to the parties in response to which a statement of claim was filed on behalf of the workman and the management filed their written statement. A preliminary objection was raised on behalf of the management that the alleged demand notice dated 21st July, 1970 was not served upon the respondent and rejected by them before the start of conciliation proceedings as required under law and as such no industrial dispute can be said to have existed and, therefore, the reference was invalid and incompetent. On merits it was pleaded that the workman was retrenched alongwith other several employees as a result of the nationalisation of the transport industry by the Government of Haryana and the applicant was paid retrenchment compensation and other dues in accordance with the law. Inadvertantly no issue was framed to cover the preliminary objection and the following issue on merits of the case was alone framed.

1. Whether the retrenchment of the applicant Shri Banwari Lal was justified and in order? If not, to what relief is he entitled?

The case was adjourned to 24th August, 1971 for evidence. On the date fixed for evidence the representative of the management pointed out that an objection regarding the validity of the reference had been raised but no issue has been framed. So the following issue was added :—

Whether the reference is not legal because no demand notice was served upon the respondent which was rejected by the management before the start of conciliation proceedings?

The parties requested for time as an effort was being made for compromise. As prayed the case was adjourned for evidence to 11th October, 1971, if no compromise in the mean time was arrived at. On the date fixed the parties wanted more time for compromise and as prayed the case was adjourned to 13th December, 1971 for evidence. If no compromise was effected. On 13th December, 1971, Shri Harbans Singh, Chief Inspector appeared on behalf of the management and stated that their representative Shri Ram Lal Chaudhary was not present as he had to attend the Court of the Industrial Tribunal at Bahadurgarh and their representative Shri M.L. Saini was also not present. When the date for evidence was fixed on the previous hearing it was not represented by the management that this date was not suitable to them. Under the circumstances it was felt that there was no justification for the non-attendance of the representative of the management. Still in the interest of justice another opportunity was given to the management to produce their evidence on 10th February, 1971 on payment of costs which were made conditional. On the date fixed Shri M.L. Saini was present. The management were not prepared to pay the costs. It was represented that Shri Madhu Sudan who represented the workman had also consented to get an adjournment and for this reason the representative of the management had not appeared. It was also stated that a compromise had been arrived at between the parties. The workman however stated that the costs should first be paid and then he would make a statement regarding the alleged compromise. Shri Madhu Sudan Sharan was not present and at the request of the parties the case was adjourned to 11th February, 1971 so that the statement of Shri Madhu Sudan Sharan Cowshish with regard to his alleged consent for adjournment be recorded. On 11th February, 1972, nobody appeared on behalf of the management. Shri Madhu Sudan was present. He made a statement that he never represented to the management that nobody need appear on their behalf and he would get an adjournment. In view of the statement made by Shri Madhu Sudan Sharan, it cannot be said that there was the slightest justification for the non-attendance of a representative of the management. Even if Shri Madhu Sudan had given any understanding as stated, even then it would not be possible to hold that there was any justification for the non-attendance of the representative of the management because Shri Madhu Sudan Sharan Cowshish was not empowered to get or not to get an adjournment. Adjournment has to be granted by the Court and no party can claim adjournment as of right. Since the management did not pay the cost which was conditional there was no other alternative but to record the statement of the applicant.

The workman has stated on oath that he joined the respondent concern in December, 1962 and that he received the notice Ex. W. 1, dated 2nd May, 1970 that he would be deemed to have been retrenched w.e.f. 1st June, 1970. He further stated that it was not correct to say that he had been rendered surplus. He stated that action had been taken against him in a vindictive spirit because he was the secretary of the District Motor Transport Workers Union and took an active part in a strike which was held in February, 1968. He further stated that a workman junior to him namely Shri Om Parkash had been retained. He also filed in original duty charts Exhibit W. 2 to Exhibit W.10. He further stated that after Shri Om Parkash joined the Haryana Roadways one Shri Gian Singh, Conductor was taken into service who was still working in the respondent society and was junior to him. He also filed the copies of the Way Bill marked Exhibit W. 11 and W.12 which a conductor takes with him when he goes on duty. According to the workman he was getting Rs. 172 P.M. at the time of his alleged retrenchment, but the management have calculated the retrenchment compensation at the rate of Rs. 160 P.M. and sent him a money order of Rs. 560 which he received under protest.

There is no rebuttal to the evidence of the workman. In view of the un-rebutted evidence which has been given on oath I hold that the termination of his service was not justified and in order as his alleged retrenchment was not in accordance with the requirements of the law.

As regards additional issue regarding the validity of the reference the workman had alleged in his demand notice that it was not correct that his job of the conductor has been abolished. He stated that he had been victimised by reason of his trade union activities. No law has been cited that under these circumstances a formal notice of demand and its rejection is essential before conciliation proceedings could be initiated. I find the additional issue also in favour of the workman.

In view of my findings above I hold that the applicant is entitled to be re-instated with continuity of service and full back wages. I give my award accordingly. No order as to costs.

Dated 2nd March, 1972

P.N. THUKRAL,
Presiding Officer,
Labour Court, Haryana, Rohtak.

No. 355, dated Rohtak, the 6th March, 1972

Forwarded in quadruplicate to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

P.N. THUKRAL,
Presiding Officer,
Labour Court, Haryana, Rohtak.

No. 2883-4Lab-72/10125.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak in respect of the dispute between the workmen and the management of M/s Tourist Cooperative Transport Society Ltd., Ambala City.

BEFORE SHRI P.N. THUKRAL, PRESIDING OFFICER, LABOUR COURT, HARYANA
ROHTAK

Reference No. 3 of 1970

between

THE WORKMAN SHRI BACHAN SINGH, H.No. 3816/2, HOSPITAL ROAD, AMBALA CITY
AND THE MANAGEMENT OF M/S TOURIST COOPERATIVE TRANSPORT SOCIETY LTD.,
AMBALA CITY

Present : Shri Bachan Singh, workman.

Shri R.L. Gupta and Shri Raghu Nath Singh, for the management.

AWARD

The following industrial dispute between the workman Shri Bachan Singh and the management of M/s Tourist Cooperative Transport Society Ltd., Ambala City was referred to this Court for adjudication,—vide Government Gazette Notification No. ID/UMB/73-E-70/dated 20th July, 1970 :

Whether the termination of services of Shri Bachan Singh, Stand Incharge, was justified and in order ?
If not, to what relief is he entitled ?

On receipt of the reference usual notices were issued to the parties. It is, however, not necessary to decide the case on merits because a compromise has been arrived at between the parties. The management have cancelled their order of dismissal and have agreed that the workman would be deemed to have resigned his post w.e.f. 25th February, 1970. The workman has also agreed to accept a sum of Rs. 337.14 in full and final settlement of all his claim and if any amount was found as advance standing against him then that amount would be deducted from the sum of Rs. 337.14. The parties are also agreed to withdraw all their applications, claims and arbitration proceedings which are pending against each other. The statements of the parties have been recorded and they accept the correctness of the terms of this compromise which have also been incorporated in the settlement Exhibit M.1. The parties would be bound by the terms of the settlement. I give my award accordingly. No order as to costs. *

Dated 2nd March, 1972

P.N. THUKRAL,
Presiding Officer,
Labour Court, Haryana, Rohtak.

No. 356, dated Rohtak, the 6th March, 1972.

Forwarded in quadruplicate to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

P.N. THUKRAL,
Presiding Officer,
Labour Court, Haryana, Rohtak.

The 20th March, 1972

No. 2881-4 Lab. 72/10202.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak, in respect of the dispute between the workman and the management of M/s. B. E. Pumps (P) Ltd. Bahadurgarh :—

BEFORE SHRI P. N. THUKRAL, PRESIDING OFFICER, LABOUR COURT, HARYANA,
ROHTAK

Reference No. 29 of 1971
between

THE WORKMAN SHRI PREM KUMAR C/O PREIDENT, BAHADURGARH POTTERIES AND
GENERAL WORKERS, UNION, BAHADURGARH AND THE MANAGEMENT OF
M/S B. E. PUMPS (P) LTD., BAHADURGARH.

Present.—

Shri Prem Kumar, workman.
Shri D. C. Bhardwaj, for the management.

AWARD

The following industrial dispute between the workman Shri Prem Kumar and the management of M/s. B. E. Pumps (P) Ltd., Bahadurgarh was referred to this Court for adjudication,—vide Government Gazette Notification No. ID/RK/191-B-70, dated 19th February, 1971 :—

Whether the termination of services of Shri Prem Kumar was justified and in order? If not, to what relief is he entitled?

On receipt of the reference usual notices were issued to the parties in response to which a statement of claim was filed on behalf of the workman and the management filed their written statements. The case of the workman is that he was serving as a Turner at a salary of Rs. 140 per mensem and on 7th April, 1970 when he reported for duty he was sent back and was told that his accounts would be cleared off. Accordingly he made a complaint to the management on 8th April, 1970 to which no reply was given. It is alleged that the action of the management in terminating the services of the workman in this manner was illegal and unjustified.

The management have raised a preliminary objection that Bahadurgarh Potteries and General Workers Union is not competent to represent the workman. On merits the case of the management is that the applicant was appointed as a casual worker for a period of one month as per written order on his application dated 18th March, 1970. It is alleged that he worked for 19 days from 17th March, 1970 to 7th April, 1970 but his work was not found satisfactory, because it was found that he had wilfully damaged the tools of the company and when he was asked to compensate for the damage, he threatened his co-worker and the Works Manager and so a report was made to the local police on 17th April, 1970. A copy of the order of appointment as also a copy of the order by which the workman was directed to pay damages for breaking one Drill Chuck 1/4", Praga eVA and one Drill St. Shank Smm on 24th March, 1970 has been filed. A copy of the complaint made to the police on 17th April, 1970 has also been filed. The pleadings of the parties gave rise to the following issues :—

1. Whether the claimant Shri Prem Kumar was appointed as a casual worker for a period of one month only?

2. Whether the claimant was not found suitable to the organisation as he wilfully damaged the tools and his behaviour was also unsatisfactory ?
3. Whether Bahadurgarh Potteries and General Labour Union is not competent to represent the workman ?
4. If the above issues are found in favour of the workman whether the termination of services of Shri Prem Kumar was justified and in order ? If not, to what relief is he entitled ?

Issue No. 1. — It is true that the copy of the order of appointment shows that the workman was appointed on a salary of Rs. 125 per mensem for a period of one month on casual basis in order to ascertain his suitability. This order rather proves that the work for which the applicant was appointed was not of a temporary or casual nature and it cannot, therefore, be said that the workman was a casual workman. The order passed by the management itself shows that the applicant was appointed on a work which was of a permanent nature but he was appointed for a period of one month only for the purpose of ascertaining his suitability. I, therefore, find this issue in favour of the workman.

Issue No. 3. — The learned representative of the management has not given any reason as to why the Bahadurgarh Potteries and General Workers Union is not competent to represent the workman. I find this issue also in favour of the workman.

Issue No. 2 and 4. — Shri P. C. Gupta, Superintendent and Occupier of the respondent company has been examined as M. W. 1. He says that the services of the workman were terminated on 7th April, 1970 because his work was not satisfactory and he had damaged the tools and when he was told about it he used threatening language. Shri K. L. Kumar, Time Keeper and Shri C. Jha, Work Manager who have been examined as MW/2 and M. W. 4 as also Shri Same Singh amachinist who has been examined as M. W. 3 corroborate the evidence of Shri Gupta M. W. 1.

In rebuttal the workman has produced no evidence whatsoever. The management closed their evidence on 2nd September, 1971. Shri Sagar Ram Gupta who represented the workman requested for a date and at his request the case was adjourned to 23rd September, 1971 at 12:00 noon. On the date fixed Shri Gupta requested that he had to go to Chandigarh urgently and the case may be adjourned. On his request the case was adjourned to 28th October, 1971. On the date fixed the workman alone appeared without any evidence and requested for an adjournment. At his request the case was adjourned to 17th November, 1971. On 17th November, 1971 also the workman did not produce his evidence on the ground that his representative Shri Sagar Ram Gupta could not attend and so the case was adjourned to 30th December, 1971. On 30th December, 1971 also the workman did not produce any evidence on the ground that his mother's sister had expired on the previous day and, therefore, he could not bring his evidence. Surprisingly enough the workman even refused to appear as a witness in support of his case. Normally a adjournment would have been granted because of the bereavement suffered by the workman but in view of the fact that a large number of opportunities had already been granted to him and from the refusal of the workman even to appear as a witness in support of his case it appeared that his only object was to harass the management by taking adjournments. He has been in the service of the respondent only for a period of 19 days and both the occupier and Works Manager have affirmed on oath that his work was wholly unsatisfactory. Under these circumstances any further adjournment would have been nothing but an abuse of the process of law. So the evidence of the workman was closed and in view of the evidence of the management, I find that the termination of his services was fully justified and he is not entitled to any relief. I give my award accordingly. There will be no order as to costs.

Dated 1st March, 1972

P. N. THUKRAL,

Presiding Officer, Labour Court,
Haryana, Rohtak.

No. 358, dated Rohtak, the 6th March, 1972.

Forwarded in quadruplicate to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

P. N. THUKRAL,

Presiding Officer,
Labour Court, Haryana, Rohtak.

B.L. AHUJA,

Commissioner for Labour and Employment, and Secy.